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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/404.416	09/23/99	CAO	S 1449P

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MMC1/1017

EXAMINER

SHAFFER, R

ART UNIT	PAPER NUMBER
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2872

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DATE MAILED:

10/17/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Applicati n N

09/404,416

Applicant(s)

CAO

Examiner

R.D. SHARER

Group Art Unit

2872

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 9/23/99
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-37 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☒ Claim(s) 28-31 is/are allowed.
- ☒ Claim(s) 1, 2, 8, 15-27 AND 32-37 is/are rejected.
- ☒ Claim(s) 3-7 AND 9-14 is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 2 & 3
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

Art Unit: 2872

1. Claims 17-21 and 23-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 17, line 5 and claim 23, line 10, "the at least one non-reciprocal optical rotator" lacks proper antecedent basis.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 15, 16 and 32-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Cheng et al ('340).

Cheng et al discloses an optical device comprising a first birefringent plate (24), at least one optical rotator (26, 30), a second birefringent plate and a mirror (36). Note, by example only, figures 1A and 1B.

3. Claims 1, 2, 8, 15, 16, 22 and 32-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Kurata et al ('360).

Kurata et al discloses an optical device comprising a first birefringent plate (4), at least one optical rotator (7, 10, 11), a second birefringent plate (12) and a mirror (14). Note, by example only, fig. 1.

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4. Claims 1, 2, 8, 15, 16, 22 and 32-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Cheng et al ('005).

Cheng et al discloses an optical device comprising a first birefringent plate (12), at least one optical rotator (14, 16a, 16b), a second birefringent plate (18) and a mirror (22). Note, by example only, figures 1a and 1b.

5. Claims 3-7 and 9-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 17-21 and 23-27 are would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

7. Claims 28-31 are allowed.

8. Any inquiry concerning this communication should be directed to R. D. Shafer at telephone number (703) 308-4813.

Shafer/nt *nos*

10-3-00

*Ricky D. Shafer*  
RICKY D. SHAFER  
PATENT EXAMINER  
ART UNIT *2872*